

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
SHELLEY BLANE McAVOY and	)	Case No. 13-60561
JASON ROSS McAVOY,	)	
	)	
Debtors.	)	
-----	)	
JUDY A. ROBBINS,	)	
UNITED STATES TRUSTEE	)	
FOR REGION FOUR,	)	
	)	
Movant,	)	
	)	
v.	)	Motion No. ____
	)	
SHELLEY BLANE McAVOY and	)	
JASON ROSS McAVOY,	)	
	)	
Respondents.	)	

Notice of Motion and Hearing

The United States Trustee has filed a Motion for Sanctions.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant the United States Trustee's Motion for Sanctions, you must attend the hearing scheduled to be held on April 25, 2013 at 9:30 a.m. in Lynchburg, US Courthouse, Room 210, 1101 Court St., Lynchburg, VA 24504. YOU MUST BE PRESENT IF YOU WISH TO BE HEARD.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief.

Dated: 19 March 2013

Respectfully submitted,

Margaret K. Garber (VSB No. 34412)  
Office of the United States Trustee  
210 First Street, Suite 505  
Roanoke, VA 24011  
(540) 857-2806  
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JUDY A. ROBBINS,  
United States Trustee for Region Four

By: /s/ Margaret K. Garber

Motion for Sanctions

Comes now the United States Trustee for Region Four and moves this court to sanction the debtors, and in support thereof, the United States Trustee states as follows:

1. This case was commenced by the filing of a voluntary petition pursuant to Chapter 13 of Title 11 on or about March 14, 2013 by Shelly Blane McAvoy and Jason Ross McAvoy ("McAvoy's" or "debtors")

2. Prior to this bankruptcy filing, the debtors filed a voluntary petition pursuant to Chapter 13 of Title 11 on January 4, 2013. The case was assigned Number 13-60015. On January 23, 2013, this case was dismissed as a result of the debtors' failure to comply with court orders to pay the required filing fee and to file the required statement and schedules.

3. Prior to this bankruptcy filing, the debtors filed a voluntary petition pursuant to Chapter 13 of Title 11 on July 24, 2012. The case was assigned Number 12-61722. On August 9, 2012, this case was dismissed as a result of the debtors' failure to comply with court orders to pay the required filing fee and to file the required statement and schedules.

4. These multiple filings and the debtors' disregard of the duties and obligations imposed upon them by the United States Bankruptcy Code, indicate that the current filing, at least, was made with bad faith, and is an abuse of the provisions of the Bankruptcy Code.

5. The debtors have continuously abused the bankruptcy system.

6. That said serial filings are in bad faith and are burdensome to the Court, creditors, the Clerk of U.S. Bankruptcy Court, the trustees and others.

WHEREFORE, the United States Trustee requests that this Court order the following relief:

1. That this case be dismissed.

2. That the debtors be prohibited from filing any bankruptcy petition for a period of 365 days from the date of the Order dismissing this case.

3. The United States Trustee requests such other relief as the Court may deem just.

Dated: 19 March 2013

Respectfully submitted,

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JUDY A. ROBBINS,  
United States Trustee for Region Four

By: /s/ Margaret K. Garber

Certificate of Service

I hereby certify that a true and correct copy of the foregoing motion and notice was electronically filed on this the 19<sup>th</sup> day of March, 2013 with the United States Bankruptcy Court and that copies of this motion were mailed by first class mail to the debtor, and, if a matrix of creditors was filed by the debtor, to all of the creditors listed on the matrix as well as the trustee.

/s/ Margaret K. Garber  
Margaret K. Garber

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